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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,281	07/28/2003	Michael P. Harrold	5010-036-01	4709
	7590 02/05/200 VERSOX, P.L.L.C.	EXAMINER		
3603 CHAIN B	•	SINES, BRIAN J		
SUITE E FAIRFAX, VA 22030			ART UNIT	PAPER NUMBER
·			1743	
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SHORTENED STATUTORS	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31 DAYS		02/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILLING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statutor, acuse the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any search patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on								
### Examiner ### Art Unit ### 1743 **The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **Emission of time may be available under the positions of 37 CFR 1.74(b). In the control of the provision of 37 CFR 1.74(b). In the control of the provision of 17 CFR 1.74(b). In the communication is experted by the provision of the communication become ABANDONED (38 U.S.C.) \$133. **In Operator Gray is specified above, the maximum statutory period will apply and will aught is 20 (MONTHS from the mailing date of this communication. Family of the communication of		Application No.	Applicant(s)					
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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-32, drawn to a method for purifying a fluid sample, classified in class 436, subclass 177.
- II. Claims 24 32, drawn to a microfluidic device, classified in class 422, subclass101.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product as claimed can be used in a materially different process of using that product. For example, the microfluidic device of invention II, as recited in claim 24, can be used to perform a purification process not specifically requiring a step for mixing the purified sample with a removed diluent portion in an output reservoir of the device is recited in claim 1 for the method of invention I. Furthermore, the process for using the product as claimed can be practiced with another materially different product. For example, the method of invention I, as recited in claim 1, does not specifically require the use of a microfluidic device.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the

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inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Sines whose telephone number is (571) 272-1263. The examiner can normally be reached on Monday - Friday (11 AM - 8 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J. Sines Primary Examiner Art Unit 1743